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Security Council

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Letter dated 23 March 2011 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council

Request of Kenya for deferral under article 16 of the Rome Statute of the International Criminal Court

Further to my letter of 4 March 2011 requesting the United Nations Security Council to defer the International Criminal Court investigations and prosecutions relating to Kenya, I would like to take this opportunity to thank the Security Council for facilitating the interactive dialogue held on Friday, 18 March 2011.

The dialogue was a welcome opportunity for Kenya to present its case for deferral while enjoying the benefit of hearing the views of members of the Security Council on the request.

A key concern of members of the Security Council expressed in the dialogue was that Kenya's request did not seem to enjoy the support of both sides of the coalition Government. I am pleased to inform you that on Tuesday, 22 March 2011, the Orange Democratic Movement (ODM) party, at its National Executive Council/Parliamentary Group meeting chaired by the Prime Minister Rt. Hon. Raila Odinga, adopted a decision to push for the International Criminal Court cases relating to Kenya to be handled locally through a credible local mechanism. I believe this development is of material importance to Kenya's appeal to the Security Council.

I would like, therefore, further to the request of 4 March 2011, to request the Security Council to hold an open meeting as soon as possible in order to further consider Kenya's request for deferral. The deferral would greatly enhance the ability of the country to complete its reform programme, including putting in place a local tribunal, in keeping with its primary responsibility to investigate and prosecute cases in accordance with the Rome Statute.

(*Signed*) Macharia **Kamau**
Ambassador
Permanent Representative

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